REMARKS

Claims 17 and 18 have been amended. Support for these amendments is found in the specification at least in the paragraph bridging pages 8 and 9 of the application. New Claims 23-25 have been added. Support for Claim 23 is found in the specification at least at page 3, lines 15-19. Support for Claims 24-25 is found in the specification at least in the paragraph bridging pages 8 and 9 of the application.

In view of the foregoing claim amendments, and the arguments that follow, applicants submit that all of the following claims are in condition for allowance.

Rejection of Claims 17-19 Under 35 U.S.C. § 112, First Paragraph, for Alleged Lack of Enablement

Amended Claim 17 (from which Claims 18 and 19 depend) is directed to a method of predicting the response of a human subject to treatment with a calcium channel blocking agent or to treatment with at least 1302 mg/day of calcium. The claimed method includes the step of analyzing genetic material of a human subject to determine whether the baT haplotype of the vitamin D receptor gene is present in the subject. The presence of the baT haplotype is indicative that the subject will react adversely to treatment with a calcium channel blocking agent, or to ingestion of at least 1302 mg/day of calcium.

In Paper No. 11 the Examiner indicated that the specification is enabling for a method of predicting a human subject's response to at least 1302 mg per day of calcium treatment by assaying for the presence of the baT vitamin D receptor haplotype, wherein patients having the baT haplotype are more likely to experience increased risk of myocardial infraction and cardiac arrhythmias in response to calcium treatment.

Support for the claimed method of predicting the response of a human subject to treatment with a calcium channel blocking agent is found at least in the paragraph bridging

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

pages 8 and 9 of the application. The application fully describes representative methods for determining whether the baT haplotype of the vitamin D receptor gene is present in a human subject.

Consequently, applicants submit that the invention defined by amended Claim 17, and claims dependent therefrom, is fully described and enabled by the specification.

Rejection of Claims 17-19 under 35 U.S.C. § 1.12, Second Paragraph, For Alleged Indefiniteness.

Claim 17 has been amended to clarify that the claim is directed to a method of predicting a response of a human subject to treatment with a calcium channel blocking agent or calcium. Applicants respectfully submit that the Examiner's rejection of Claims 17-19 for indefiniteness is now moot.

Additionally, Claim 18 has been amended so that it is no longer multiply dependent. The Examiner's rejection of Claims 18 and 19 is now moot.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSIONS

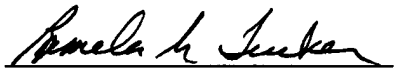
In view of the foregoing claim amendments and arguments, applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration and favorable action are requested.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS[PLLC]

Barry F. McGurl
Registration No. 43,340
Direct Dial No. 206.695.1775

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: June 10, 2003 

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS[PLLC]
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100